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PATENT  
Attorney Docket 040750-5001-01-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: )  
)  
**H.-J. Su Huang *et al.*** )  
)  
Application No. 09/071,541 )  
)  
Filed: May 4, 1998 )  
)  
For: **Methods to Modulate the Resistance** )  
**of Cells to Apoptosis Mediated by Mutant** )  
**Epidermal Growth Factor Receptors** )

Group Art Unit: 1623 TECH CENTER 1600/2900  
Examiner: **K. Kahler Fonda, Ph.D.**

Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the document listed on the attached PTO-1449. This Information Disclosure Statement is being filed after the events recited in § 1.97(c) but, to the best of the undersigned's knowledge, before the mailing date of either a Final Office Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97 (c), a fee of \$180.00 accompanies this Information Disclosure Statement as specified by § 1.17(p).

A copy of the listed document is attached. Applicants respectfully request that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached form.

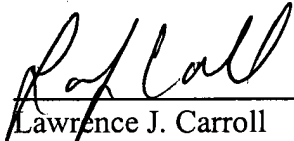
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes prior art. If the Examiner applies the document as prior art against any claim in the application, and Applicants determine that the cited document does not constitute prior art under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should one or more of the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **December 6, 2001**  
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Washington, D.C. 20036  
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Respectfully submitted  
**Morgan, Lewis & Bockius LLP**

  
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